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10/770,390	02/04/2004	Catherine L. Gifford	63616.000002	2751

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EXAMINER	
DOAN, ROBYN KIEU	
ART UNIT	**PAPER NUMBER**
3732	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/770,390	GIFFORD, CATHERINE L.	
	Examiner	Art Unit	
	Robyn Doan	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-18 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent (11-299684) in view of Ramm et al (U. S. Pat. # 5,826,595) and Jones-Roberson (U.S. Pat. # 6,189,150).

With regard to claim 1, JP '684 discloses an absorbent (towel glove) glove (2, fig. 1) to be worn on a person's hand for styling a person's hair comprising a forehand area, a backhand area substantially opposite the forehand area and a plurality of fingers (fig. 1), each finger extending away from the forehand area and the backhand area and each finger attached to the forehand area and the backhand area (fig. 1); JP '684 also discloses the glove being made slightly larger than the size of a user's hand (abstract, lines 6-8), therefore the glove inherently having an enlarged palm area which includes extra material, creating a loose-fitting (abstract, lines 12-13) forehand and backhand area and the length of the plurality of the fingers being small compared to the overall size of the glove, see fig. 1. JP '684 does not disclose at least a portion of the glove having an outer layer of absorbent material, an inner layer of insulative material

adapted to protect a person's hands from excessive heat, and a middle layer of impermeable material which substantially prevents moisture from the absorbent layer from reaching the insulative layer. Ramm et al discloses a glove for drying one's hair (10, fig. 1) comprising an outer layer being made of absorbent material and an inner layer being made of impermeable (waterproof) material (col. 1, lines 61-63). Jones-Roberson discloses a glove for styling hair (10, fig. 3) comprising a layer of insulative (heat retarding) material (col. 3, lines 22-24) for helping the hand remain cool during thermal styling. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the absorbent layer and the impermeable layer as taught by Ramm et al into the glove of JP '684 in order to absorbent the liquid from the wet hair while drying and it would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the insulative layer as taught by Jones-Roberson into the glove of JP '684 and Ramm et al for the purpose of protecting the hand from the heat of the hair style device. In regard to claim 2, JP '684 in view of Ramm et al and Jones-Roberson shows at least some of the plurality of fingers being inherently sized to be substantially shorter than the user's fingers. Applicant is noted that the claim limiting size by the relationship to anatomical features is as broad as there exists different anatomies, therefore, the claimed size "to be substantially shorter than the user's fingers" is held to be as broad as there exists humans having different sizes, therefore, the shown device is inherently meets the claimed language. The intended use with specific fingers is given no patentable weight. In regard to claim 3, JP '684 in view of Ramm et al and Jones-Roberson do not disclose

the plurality of fingers having a middle finger whose length being between 1 ¾ to 2 ¾ inches. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the plurality of fingers having a middle finger whose length being between 1 ¾ to 2 ¾ inches, since such a modification would have involved a mere change in the size of known component. A change in size is generally recognized as being within the level or ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Claims 4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '684 in view of Ramm et al.

With regard to claim 7, JP '684, as discussed above, discloses a glove for drying one's hair comprising a plurality of fingers that have length being small compared to the overall size of the glove, see fig. 1. JP '684 also shows the glove being made slightly larger than the size of a user's hand (abstract, lines 6-8), therefore the glove inherently having an enlarged palm area which includes extra material, creating a loose-fitting (abstract, lines 12-13) forehand and backhand area. JP '684 discloses a method of drying one's hair using the glove by exposing the hair to hot air of a dryer (abstract) to part and set the hair, therefore, JP '684 inherently shows a step of wearing a glove on a person's hand, using the glove on the person's hand to shape sections of wet hair on a person's head. JP '684 also inherently shows a step of absorbing moisture from the wet hair into the glove while the glove is being used to shape the wet hair (abstract, lines 1-2). JP '684 does not disclose a step of applying hot air to dry the wet hair while the

glove being used as a backdrop to stabilize the shape of the wet hair. Ramm et al discloses a method of using a glove to dry and style a person's hair comprising a step of applying hot air (hair dryer 12, fig. 3) to the wet hair while the glove is being used as a backdrop (fig. 3) to stabilize the shape of the hair (col. 2, lines 41-43). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the step of using the glove as a backdrop as taught by Ramm et al into the method of styling hair of JP '684 for the purpose of providing additional body or fullness to the hair of the user. In regard to claim 4, JP '684 discloses the claimed invention as discussed in claim 7 and also shows the hair can be wiped while parting and setting the hair. JP '684 does not disclose the step of repeatedly partially closing the glove on the person's hand around sections of wet hair of a person to hold the wet sections of hair, the partial closing of the glove causing at least some of the wet sections of hair to form a new shape. It would have been obvious as a matter of design choice to one having an ordinary skill in the art at the time the invention was made to hold the hand either partial or fully closed to form a selected hair style depending upon the user. In regard to claims 8 and 9, JP '684 does not disclose a step of shaping the wet hair and applying hot air to render shape and a step of holding the hand wearing the glove around the wet hair to coax the wet hair. Ramm et al discloses a step of shaping the wet hair (by slipping or pulling, col. 2, lines 41-42) and applying hot air to render shape (col. 2, lines 41-44); Ramm et al inherently capable to perform the step of holding the glove around the wet hair to coax the wet hair. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the step

of shaping the wet hair and applying hot air to render shape as taught by Ramm et al into the method of drying hair of JP '684 in order to create style to the hair of the user.

Claims 5 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '684 in view of Ramm et al as applied to claims 4 and 7 above, and further in view of Dipinto et al (U.S. Pat. # 5,121,762).

With regard to claims 5 and 13, 14, JP '684 in view of Ramm et al discloses a method of drying and styling a person's hair comprising a step of placing sections of hair in the glove and all the claimed step limitations in claims 4 and 7 as discussed above except for the step of initially wetting the person's hair with water and separating the hair into sections. DiPinto et al discloses a method of styling hair comprising a step of wetting the hair and dividing the hair into a plurality of individual sections (col. 4, lines 5-8). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the step of wetting and separating the hair into sections as taught by Dipinto et al into the method of styling and drying the hair of JP '684 in view of Ramm et al in order to style the hair. With regard to claims 15 and 16, JP '684 in view of Ramm et al as discussed above disclose the claimed invention.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '684 in view of Ramm et al as applied to claim 7 above, and further in view of Bhatt et al (U.S.Pat. # 5, 286,477).

With regard to claim 10, JP '684 in view of Ramm et al discloses a method of drying and styling a person's hair comprising all the claimed step limitations in claim 7 as discussed above except for the step of applying a temporary fixing agent to the hair to retain its shape. Bhatt et al discloses it is well known in the art to apply a hair spray onto a hair of a user to retain its shape (col. 1, lines 29-33). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the step of applying a hair spray onto the hair to retain its shape as taught by Bhatt et al into the method of styling and drying the hair of JP '684 in view of Ramm et al in order to create a style to the hair of the user.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '684 in view of Ramm et al and further in view of DiPinto et al as applied to claims 5 and 14 above, and further in view of Bhatt et al.

With regard to claims 6 and 17, JP '684 in view of Ramm et al and further in view of DiPinto et al disclose a method of drying and styling a person's hair comprising all the claimed limitations in claims 5 and 17 as discussed above except for the step of applying a temporary fixing agent to the hair to retain its shape. Bhatt et al discloses it is well known in the art to apply a hair spray onto a hair of a user to retain its shape (col. 1, lines 29-33). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the step of applying a hair spray onto the hair to retain its shape as taught by Bhatt et al into the method of styling and drying the hair of

JP '684 in view of Ramm et al and further in view of DiPinto et al in order to create a style to the hair of the user.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '684 in view of Ramm et al and further in view of Bhatt et al as applied to claim 10 above, and further in view of Wall (U.S. Pat. # 3,960,155).

With regard to claim 11, JP '684 in view of Ramm et al and further in view of Bhatt et al disclose a method of drying and styling a person's hair comprising all the claimed limitations in claims 10 and 7 as discussed above except for the step of curving the wet hair around an upper portion of a finger of the glove to produce a bend in the hair. Wall discloses a hair styling device (figs. 1and 2) and a method of curling hair of a user comprising a plurality of finger coverings (11, 21) adapted to be inserted onto two fingers of a user (fig. 1); Wall further shows a method of curling the hair by drawing the wet hair (col. 3, lines 64-66) around the upper portion of the finger covering (fig. 2) and drying the hair by using a heat gun (26, fig. 2). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the curling hair technique such as curling the hair around the finger covering as taught by Wall into the method of drying and styling the hair of JP '684 in view of Ramm et al and further in view of Bhatt et al in order to provide a curl to the hair of the user.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '684 in view of Ramm et al and further in view of DiPinto et al and Bhatt et al as applied to claims 17 and 7 above, and further in view of Wall.

With regard to claim 18, JP '684 in view of Ramm et al and further in view of DiPinto et al and Bhatt et al disclose a method of drying and styling a person's hair comprising all the claimed limitations in claims 17 and 7 as discussed above except for the step of curving the wet hair around an upper portion of a finger of the glove to produce a bend in the hair. Wall discloses a hair styling device (figs. 1and 2) and a method of curling hair of a user comprising a plurality of finger coverings (11, 21) adapted to be inserted onto two fingers of a user (fig. 1); Wall further shows a method of curling the hair by drawing the wet hair (col. 3, lines 64-66) around the upper portion of the finger covering (fig. 2) and drying the hair by using a heat gun (26, fig. 2). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the curling hair technique such as curling the hair around the finger covering as taught by Wall into the method of drying and styling the hair of JP '684 in view of Ramm et al and further in view of DiPinto et al and Bhatt et al in order to provide a curl to the hair of the user.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '684 in view of Ramm et al and Jones-Roberson as applied to claim 1 above, and further in view of Roche (U.S. Pat. # D422,758).

With regard to claim 20, JP '684 in view of Ramm et al and Jones-Roberson disclose a glove drying and styling a person's hair comprising all the claimed limitations in claim 1 as discussed above except for the plurality of fingers being not separated thereby creating a mitt. Roche discloses a mitt (fig. 1) for drying hair of animals comprising a plurality of fingers that are not separated, see fig. 1. It would have bee obvious to one having an ordinary skill in the art at the time the invention was made to employ the mitt configuration as taught by Roche into the glove of JP '684 in view of Ramm et al and Jones-Roberson in order for the user's fingers can move freely within the mitt.

Conclusion

Applicant's arguments with respect to claims 1, 4, 7 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Asada, Paige and Kura are cited to show the state of the art with respect to a glove for drying the hair. Battle is cited to show the state of the art with respect to a glove for styling the hair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robyn Doan
Examiner
Art Unit 3732